

1 Mark E. Olive
2 Law Office of Mark E. Olive, P.A.
3 320 W. Jefferson Street
4 Tallahassee, FL 32301
(850) 224-7276
meolive@aol.com

5 Michael Laurence
6 Law Office of Michael Laurence
7 1770 Post St., No. 123
8 San Francisco, CA 94115
(415) 317-5818
MLaurence@mllaurence.org

9 Counsel for Petitioner Dale Edward Flanagan

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12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 DALE EDWARD FLANAGAN,
15 Petitioner,

16 v.

17 JEREMY BEAN, WARDEN OF HIGH
18 DESERT STATE PRISON, ET AL.,
19 Respondents.

Case No. 2:09-cv-00085-KJD-GWF

**Order Sealing State Record and for Protecting
Documents**

DEATH PENALTY CASE

20 Pending before the Court is Petitioner's Unopposed Motion to File Sealed State Record
21 Under Seal and for a Protective Order. ECF No. 230.

22 GOOD CAUSE appearing, **IT IS ORDERED** that Volume 34 of the state court record
23 on appeal in the Nevada Supreme Court in *Flanagan v. State*, Case No. 40232, and lodged herein,
24 shall be filed under seal.

25 **IT IS FURTHER ORDERED**, based on the parties' stipulation, and pursuant to *Bittaker*
26 v. *Woodford*, 331 F.3d 715 (9th Cir. 2003), the following Protective Order shall govern the
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1 dissemination and use of any documents contained in volume 34 of the state court record and
2 filed under seal with this Court:

3 1. All privileged documents and testimony produced to Respondents
4 in this action may be used only for purposes of litigating this habeas corpus
5 proceeding by: (a) Petitioner and the members of the legal team who are appointed
6 to litigate this matter, including, but not limited to, outside investigators,
7 consultants and expert witnesses; and (b) Respondents and the members of the legal
8 team, assigned to this proceeding by the Nevada Attorney General's Office, and
9 persons retained by Respondents' counsel to litigate this matter, including, but not
10 limited to, outside investigators, consultants and expert witnesses. This Protective
11 Order extends to members of the legal teams and all persons retained by the parties
12 to litigate this matter.

13 2. Except for disclosures to the persons and agencies described in
14 Paragraph 1, disclosure of the contents of the documents and testimony and the
15 documents and testimony themselves shall not be made to any other persons or
16 agencies, including, but not limited to, prosecutorial agencies and law enforcement
17 personnel, without this Court's order.

18 3. This order shall continue in effect after the conclusion of the habeas
19 corpus proceedings and specifically shall apply in the event of a retrial of all or any
20 portion of Petitioner's criminal case. Any modification or vacation of this order
21 shall only be made upon notice to and an opportunity to be heard from both parties.

22 **IT IS FURTHER ORDERED** that Counsel for Petitioner shall serve a copy of the sealed
23 volume on counsel for Respondents within **five** days from the entry of this order.

24 DATED: 12/4/2025

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UNITED STATES DISTRICT JUDGE